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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,634	09/26/2003	Al Baker	501054-A-01-US (Baker)	8083

7590 03/15/2006
Ryan, Mason & Lewis, LLP
Suite 205
1300 Post Road
Fairfield, CT 06824

EXAMINER

LA, ANH V

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,634

Applicant(s)

BAKER, AL

Examiner

Anh V. La

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The claims are objected to because there are many typographical errors. In claim 9, line 1, the phrase "of claim 1" should be changed to - - of claim 8--. In claim 18, line 1, the phrase "of claim 13" should be changed to - - of claim 17--. In claim 19, line 1, the phrase "of claim 13" should be changed to - - of claim 17--. In claim 21, line 1, the phrase "of claim 13" should be changed to - - of claim 20--.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-2, 4-14, 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Erb (US 6,130,938).

Regarding claim 1, Erb discloses a method for routing a communication to a user comprising the step of receiving a communication destined for the user (abstract), routing the communication to the user based on a predicted presence of the user at a plurality of communication devices (31, 26, 27, 28A, 28B, 29), wherein the predicted presence is based on a presence pattern indicating a probability of the user to be present on the plurality of communication devices at a given time (abstract, column 1, lines 30-67, col. 4, lines 20-67, col. 5, lines 5-55).

Regarding claim 2, Erb discloses the predicted presence being recorded as a rule identifying one or more communication device that should receive a communication during one or more time intervals (col. 5, line 5 - col. 6, line 55).

Regarding claim 4, Erb discloses the communication being routed to a plurality of the one or more communication devices during a transitional time between at least two presence patterns (col. 5, line 5- col. 6, line 55).

Regarding claim 5, Erb discloses extracting presence information from one or more presence data stores (col. 7, lines 25-30).

Regarding claim 6, Erb discloses a user registration process 19.

Regarding claim 7, Erb discloses observing activities of the user (25.1-25.N, see figures 2-5).

Regarding claim 8, Erb discloses observing a behavior of the user over time on the devices (figures 2-5).

Regarding claim 9, Erb discloses analyzing the behavior on the devices (figures 2-5, col. 5, line 5- col. 6, line 55).

Regarding claim 10, Erb discloses a method for determining a presence pattern of a user at a plurality of communication devices 31, 26, 27, 28A, 28B, 29, comprising the step of monitoring a presence of a user at the plurality of communication devices, and detecting a pattern of behavior indicating a likelihood that a user is present at the plurality of communication devices during a particular time interval (fig. 2-5, col. 5, line 5- col. 6, line 55).

Regarding claim 11, Erb discloses recording the pattern of behavior as a rule identifying one or more communication devices that receives a communication during one or more time intervals (fig. 2-5, col. 5, line 5- col. 6, line 55).

Regarding claim 12, Erb discloses extracting presence information from one or more presence data stores (col. 7, lines 25-30).

Regarding claim 13, Erb discloses a system for routing a communication to a user comprising a memory 15, 19, 25, at least one processor 11 for receiving a communication destined to the user, and routing the communication to the user based on a predicted presence of the user at a plurality of communication devices, wherein the predicted presence is based on a presence pattern indicating a probability of the user to be present on the plurality of communication devices at a given time (abstract, col. 1, lines 30-67, col. 4, lines 20-67, col. 5, lines 5-55, col. 6, lines 1-55).

Regarding claim 14, Erb discloses the predicted presence being recorded as a rule identifying one or more communication device that should receive a communication during one or more time intervals (col. 5, line 5 - col. 6, line 55).

Regarding claim 16, Erb discloses the communication being routed to a plurality of the one or more communication devices during a transitional time between at least two presence patterns (col. 5, line 5- col. 6, line 55).

Regarding claim 17, Erb discloses extracting presence information from one or more presence data stores (col. 7, lines 25-30).

Regarding claim 18, Erb discloses a user registration process 19.

Regarding claim 19, Erb discloses observing activities of the user (25.1-25.N, see figures 2-5).

Regarding claim 20, Erb discloses observing a behavior of the user over time on the devices (figures 2-5).

Regarding claim 21, Erb discloses analyzing the behavior on the devices (figures 2-5, col. 5, line 5- col. 6, line 55).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McGraw, Buhrmann, and Contractor disclose communication systems.

Answers to Remarks

5. Applicant's arguments filed on December 22, 2005 have been fully considered.

Applicant's arguments with respect to claims 1-2, 4-14, and 16-21 have been considered but are moot in view of the new ground(s) of rejection.

6. **THIS ACTION IS MADE NON-FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

Art Unit: 2636

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
March 07, 2006